

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK D. STEPHENS and LYNN
STEPHENS,

Plaintiffs,

V.

TOWN OF STEILACOOM, a municipal corporation,

Defendant.

CASE NO. 22-cv-05440-BJR

**STIPULATED MOTION FOR
EXTENSION OF EXPERT, DISCOVERY
AND DISPOSITIVE MOTION
DEADLINES**

WITH PROPOSED ORDER AS PER LCR
10(g)

NOTED: February 10, 2023

STIPULATION

Pursuant to Fed. R. Civ. P. 16(b)(4), Local Civil Rule 16(b)(5), and Local Civil Rule 10(g), the parties respectfully move the Court to extend the expert disclosure and discovery cutoff by one calendar month, and the deadline for dispositive motions by two weeks, with the trial date and all other deadlines remaining unchanged.

This stipulation is based upon the following agreed facts:

Plaintiff filed its original Complaint in Pierce County Superior Court Cause No. 22-2-06777-8 on June 3, 2022. Defendant removed this action to federal court on June 15, 2022. *Dkt. 1.* The parties submitted their Joint Status Report (“JSR”) on August 12, 2022. *Dkt. #9.* The JSR proposed a case schedule with disclosure of experts by March 13, 2023, a discovery

**STIPULATED MOTION AND PROPOSED ORDER RE:
EXTENSION OF EXPERT AND DISCOVERY DEADLINES - 1**

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1 cutoff of May 16, 2023 and a trial date of September 11, 2023. On August 15, 2022, the Court
2 entered its initial Case Scheduling Order. *Dkt. 10.* The Court set the expert report deadline for
3 February 13, 2023, the discovery cutoff for March 15, 2023, the dispositive motion deadline of
4 April 14, 2023 and a jury trial date for September 11, 2023.

5 The parties have been exchanging information and actively exploring a settlement of
6 this matter, which requires further consultation with third party government agencies. In the
7 interest of avoiding the substantial additional costs in formal expert disclosure and discovery,
8 which may create an impediment to resolution, the parties request a one-month extension of
9 the expert witness disclosure deadline and the discovery cutoff. The dispositive motion
10 deadline should also be extended two weeks to allow for the completion of discovery. These
11 dates coincide with the proposed dates in the JSR and will still allow discovery to be
12 completed several months in advance of the currently existing September trial date.

14 “A schedule may be modified only for good cause and with the judge’s consent.” Fed.
15 R. Civ. P. 16(b)(4). Rule 16(b)’s “good cause” standard primarily considers the diligence of
16 the party seeking the amendment. In this case, the parties have acted diligently and agree that
17 the requested continuance will promote the efficient and just resolution of this action. The
18 parties have engaged in substantial and good faith settlement negotiations based on
19 information exchanged to date, with a proposed framework that will require consultation with
20 the Department of Ecology. Continuing the expert disclosure deadline and discovery deadline
21 will allow the parties to pursue settlement without simultaneously incurring the significant
22 costs of formal discovery.

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1 The requested extensions will still leave ample time to complete discovery several
 2 months in advance of trial. The dispositive motion deadline will only be extended two weeks
 3 and will still be over four months prior to trial. All remaining deadlines will remain intact.
 4
 5 The parties therefore believe this request will not delay or prejudice the Court's
 6 administration of the case or delay trial. Therefore, the modified case schedule will "secure the
 7 just, speedy, and inexpensive determination" of this action, in accordance with Fed. R. Civ. P.
 8 1.

9 For the foregoing reasons, the parties respectfully request that the Court amend the case
 10 schedule as follows:

<u>DESCRIPTION</u>	<u>CURRENT DATE</u>	<u>AMENDED DATE</u>
Jury Trial Date (est. 3 days)	September 11, 2023	September 11, 2023
Disclosure of expert testimony under FRCP 26(a)(2)	February 13, 2023	March 13, 2023
Discovery completed by	March 15, 2023	April 14, 2023
All dispositive motions must be filed by	April 14, 2023	May 1, 2023
All motions in limine must be filed by	August 7, 2023	August 7, 2023
Joint Pretrial Statement	August 14, 2023	August 14, 2023
Pretrial Conference	August 28, 2023	August 28, 2023
Length of Jury Trial		5 days
All dates specified in the Local Civil Rules and/or the		

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 STIPULATED MOTION AND PROPOSED ORDER RE:
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1 Court's Standing Order shall 2 remain.		
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4 DATED this 10th day of February, 2023.
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6 /s Michael Zoretic

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12 *Attorneys for Defendant*

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STIPULATED MOTION AND PROPOSED ORDER RE:
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ORDER

PURSUANT TO LCR 10(g), IT IS SO ORDERED,
DATED this 13th day of February, 2023.

Barbara Rothstein

Barbara Jacobs Rothstein
U.S. District Court Judge

**STIPULATED MOTION AND PROPOSED ORDER RE:
EXTENSION OF EXPERT AND DISCOVERY DEADLINES - 5**

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